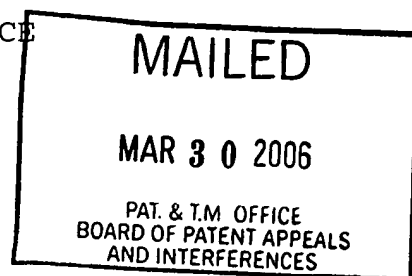


UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCE



Ex parte JOHN F. BROKER, DOUGLAS W. GARDNER, ALAN V. NEUBAUER,
BRIAN L. NESS and KIM L. WRIGHT

Application 09/919,794

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was electronically received at the Board of Patent Appeals and Interferences (BPAI) on March 9, 2006. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the examiner. The matter requiring attention prior to docketing are identified below.

On October 21, 2005, an Examiner's Answer was mailed. A review of the Examiner's Answer reveals that it is not in compliance with the headings as required under 37 CFR § 41.37(c).

The Examiner's Answer mailed October 21, 2005, is defective, for it does not provide a list of references used in the rejection on appeal under the Heading "(8) Evidence Relied Upon", on page 2 of the Examiner's Answer. The Manual of Patent Examiner Procedure (MPEP) § 1207.02(A) states:

A) CONTENT REQUIREMENTS FOR EXAMINER'S ANSWER. The examiner's answer is required to include, under appropriate headings, in the order indicated, the following items:

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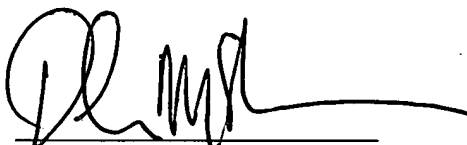
- (8) *Evidence Relied Upon*. A listing of the evidence relied on (e.g., patents, publications, admitted prior art), and, in the case of nonpatent references, the relevant page or pages.

Application 09/919,794

Accordingly, it is ORDERED that the application is return to the Examiner:

- 1) to vacate the Examiner's Answer mailed October 21, 2005, and issue a revised Examiner's Answer in accordance with the new rules; and
- 2) for such further action as may be appropriate.

BOARD OF PATENT APPEALS
AND INTERFERENCE

A handwritten signature in black ink, appearing to read 'D. M. Shaw', written over a horizontal line.

DALE M. SHAW
Program and Resource Administrator
(571) 272-9797

DMS/pgc

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